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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,837	07/20/2005	Adrian Johan Van Leest	NL030093	9005

24737 7590 07/21/2008
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
BITAR, NANCY	

ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
07/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/542,837	VAN LEEST ET AL.	
	Examiner	Art Unit	
	NANCY BITAR	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 July 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, in the amendment filed 04/03/2008, with respect to the rejection of claims 1-10 under 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kalker et al (WO/2003/001813).

Examiner Notes

2. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-10 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Echizen et al (5,991,426) in view of Kalker et al (WO2003/001812A).

As to claim 1, Echizen et al teaches the method of embedding a watermark in a motion image signal, the method comprising the steps of: representing said watermark by a sequence of watermark samples each having a first or a second value (column 11, lines 57-58) ; dividing an image of said motion image signal into at least a first and a second image area (figure 18) ; determining a global property of the first and the second image area (column 2, lines 45-52 and column 11, lines 23-36); modifying (altering the pixel of data is a form of modifying) said image to increase the global property of its first area and decrease the global property of its second area for embedding the first value of a watermark sample into said image, and to decrease the global property of its first area and increase the global property of its second area for embedding the second value of said watermark sample into said image (column 4, lines 25-30 and column 6, lines 32-50, note that global property is interpreted as a light or brightness value of the pixels constituting the image); Echizen discloses the claimed the global property as the pixel data which is brightness of each pixel(column 1, lines 38-43) and the claimed watermark sample as bit value of the digital watermarking information constituting watermark information (column 2, lines 45-48). While Echizen meets a number of the limitations of the claimed invention, as pointed out more fully above, Echizen teaching altering the pixel of data but does not explicitly teach the modulation of the global property. Specifically, Kalker et al teaches the watermark is embedded by modulating a global property of the frame (i.e. the

mean luminance) in accordance with the samples of the watermark. The embedding depth is preferably locally adapted within each frame to local statistics of the respective image. Moreover, Kalker et al teaches the watermark detection is performed by correlating the watermark sequence with extracted mean luminance values of a sequence of frames. It would have been obvious to one of ordinary skill in the art to modify the global property in Echizen light or brightness value of the pixel in order to achieve sufficient robustness and increase in copy protection. Therefore, the claimed invention would have been obvious to one of ordinary skill in the art at the time of the invention by applicant.

As to claim 2, Kalker et al teaches a method as claimed in claim 1, wherein said global property is the mean luminance value of the respective image area (paragraph [0015])

As to claim 3, Echizen et al teaches a method as claimed in claim 1, wherein said modifying step comprises modifying series of consecutive images in accordance with the same watermark sample (column 6, lines 32-50 and column 18, lines 25-35; see Kalker et al. (paragraph [0010]))

As to claim 4, Echizen et al teaches a method as claimed in claim 1, wherein said first and second image areas are the upper and lower of an image halves, respectively (figure 20, and Kalker et al, paragraph[0018-0019])).

As to claim 5, Echizen et al teaches a method as claimed in claim 1, wherein said first and second image areas are the left and right of an image halves, respectively (paragraph[0018], and Kalker et al, paragraph[0018-0019])).

The limitation of claims 6- 8 has been addressed above except for the following: correlating for said series of images the respective difference with the watermark to be detected .Echizen et al teaches that limitation in (column 11, lines 23-36, column 12, lines 40-47, and col 13, lines 1-8, see also Kalker et al, paragraph [0011], [0024]))

As to claims 9, Echizen et al teaches a method as claimed in claim 7, further including the step of subtracting from the series of global properties a low-pass filtered version thereof, and applying the correlating step to the subtracted signal (column 3, lines 24-52 and column 8, lines 40-60; see also Kalker et al, subtractor 8, paragraph[0021])).

As to claim 10, Kalker et al teaches the method as claimed in claim 9, further including the step of determining the sign of said subtracted signal, and applying the correlating step to said sign (figure 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NANCY BITAR whose telephone number is (571)270-1041. The examiner can normally be reached on Mon-Fri (7:30a.m. to 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew W. Johns/
Primary Examiner, Art Unit 2624

Nancy Bitar

07/02/2008